

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 North Main**  
**July 23, 2013**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:00 pm. In the absence of Mayor Hunt Willoughby, the Council elected Kimberly Bryant to act as Mayor Pro Tem.

**MOTION:** Will Jones moved to nominate Kimberly Bryant as Mayor Pro Tem. Bradley Reneer seconded. Ayes: 3 Nays: 0. Motion passed. Mel Clement was not present at the time of the motion.

**A. Roll Call:** The following were present and constituted a quorum:

Mayor Hunt Willoughby was excused.

City Council members: Kimberly Bryant - Mayor Pro Tem, Bradley Reneer, Will Jones, Mel Clement.

Members not present: Troy Stout was excused.

Staff: Rich Nelson, Charmayne Warnock, Shane Sorensen, Jannicke Brewer, Ron Devey, David Church, Brad Freeman.

Others: Clark Healey, Eugene Healey, Amy Thackery, Chelsie Thackery, Traci Jensen, Danny Jensen, Joe McRae, Rabecca Cisneros, Ben Cisneros, Vernon Utley, James Dunn, Margie Holmes, Blair Holmes, Mark Wells, Taylor Smith, Skylor Smith, Jeff Chapman, Andrea Chapman, Nancy Brown, Darrell Duty, Angie Duty, Keith Gregory

**B. Prayer:** Kimberly Bryant

**C. Pledge of Allegiance:** Clark Healey

## **II. PUBLIC COMMENT**

Darrel Duty - Sliding Rock: Mr. Duty said he lived up Fort Canyon and he wanted to address the activity at Sliding Rock. He said he understood that the site had been exposed by KSL, Pintrest and Fox 40. He said he didn't have a problem with people going up there but there was no parking for them. As a result, people were parking along both sides of the road, double parking, and the road was narrow. He said the police had told him they would not respond to calls up there so he started a petition, which he submitted, and came to City Council.

Rich Nelson said that there was an article on KSL about Sliding Rock but the news agency received a call that it was private property and it was taken down.

Mr. Duty said it had been a problem for years. He and his neighbors would like to see NO PARKING signs along both sides of the road. The road was just not wide enough for people to park safely along there. He suggested that parking be made available inside the gate. He suggested the City put up a temporary fence with a turnstile, and open the gate so people could park off the road. The police could ticket people for speeding up and down the road.

Kimberly Bryant said that the Sliding Rock area was private property and the City could not force them to open their gate and provide public parking. Mr. Duty asked about the possibility of eminent domain. Rich Nelson said it was a very long process and he'd not seen it done for a parking lot.

Mr. Duty said that someone was going to get killed on that road. He'd seen people lying in the road, tanning. People were getting high and drunk. His neighbor was assaulted by two guys when he confronted them about peeing in his yard. Kimberly Bryant said he should have called the police about that.

Mr. Duty said the police had said they would not respond to Sliding Rock because it was private property. He passed around photos of the parking along the road. He said that no one picked up their trash; he and the neighbors had to go around and pick it up.

Bradley Reneer asked if they could designate parking on one side of the street. Rich Nelson said he'd been up there several times and it was a difficult situation with a blind corner.

Kimberly Bryant asked how people were getting into Sliding Rock, and if the private property owners were okay with people using it. Will Jones said they were not okay, but they hadn't forced the issue.

David Church said the City could condemn some ground for parking, but why would they? Sliding Rock was on private property. It was more likely that the City would prohibit parking up both sides of the road. Parked cars could be ticketed or towed.

Angie Duty said the police didn't say they weren't going to come up. They said there was nothing to enforce and the residents in Fort Canyon should go to the City Council.

The Council discussed what might be a solution to the problem. Mel Clement said that if they posted No Parking in Fort Canyon, it would make it harder to get in. They would need to put signs at the mouth of Fort Canyon saying Sliding Rock was closed.

Rich Nelson said the City Council had two options. They could give staff a sense of what they wanted done up there, then bring it back to the next meeting for ratification, or the Council could come back to the next meeting with a plan.

Darrell Duty said he knew there were already lawsuits concerning the property. What would happen if the City blocked it altogether?

Rich Nelson said they couldn't have it both ways. The City either had to take action to prohibit the use or continue the way they were. There were no parking slots. There was no City-owned property and no money to buy property.

Bradley Reneer said it wouldn't make sense for the City to put in a parking lot so people could trespass.

Margie Holmes said she was happy the parking situation was being addressed. She asked what could be done if the City banned parking and some residents up the canyon had a bridal shower? David Church said they could designate resident parking only.

Rich Nelson suggested that the Council give staff a sense of what they wanted to happen for the next two weeks, such as signage, barricades, etc. Then at the next Council meeting they could work on a plan.

Mel Clement said he wasn't sure they wanted to close Sliding Rock at that moment. It was still hot weather. They could take it up at their next meeting.

Bradley Reneer said he would be okay with parking on one side of the road.

Jeff Chapman said he came out of his house to see some guys peeing in the front yard. When he confronted them, someone else sucker punched him in the back of the head. He said another concern he had was about the overgrown trees. The road was so narrow and curved that he was almost hit head-on.

Will Jones said that even if the City could get something in by tomorrow, it was the 24th of July. He wondered if they couldn't put up a barricade and allow parking only on one side of the road. He asked if the NO PARKING signs were still there. Darrell Duty said there were signs that said not to block the driveway but trailers still parked there.

David Church said that other than resident parking, what was the purpose of having parking up there. It was not a public trail head. There were lots of things the Council could do. If residents needed street parking they could do that. The issue was, did they want people who didn't live in the neighborhood to park on the road? If the City wanted to be aggressive on parking, they could enter a contract with a towing service. They needed to decide what was important to them. They needed to decide if the cars parking along Fort Canyon Road was a problem for the City.

Keith Gregory said he lived across from the entrance. If the City allowed parking on only one side of the road, it would make it easier for people to park in his yard. Sometimes it was difficult for him to get into his house.

Bradley Reneer said that if someone was blocking a driveway, it was illegal. Residents needed to call the police if they were being assaulted or their driveway was blocked.

David Church said that if the landowners wanted to put up NO TRESPASSING signs, they could have the police up there.

Will Jones said there were already NO TRESPASSING SIGNS but they were concerned about the retaliation that might result if they closed off Sliding Rock. He said he was up there on the 4th of July and there were people from town up there. Other times it was a different group. He said owners of Three Falls didn't want the public outcry if they shut it down. People had been going up there for 26 years.

Darrell Duty said he would like to see something from the City where they towed cars at the owner's expense. People could park at the church and hike up there. He said he was okay with people going to Sliding Rock. They just needed to be sensible.

Rich Nelson said it would be on the agenda in three weeks at the August 13th meeting.

Brad Freeman said they had a medical call up there and they couldn't get through with the fire truck because it was so busy up there. If there was a fire, they couldn't get the trucks past the cars.

Angie Duty asked if the City could take care of the problem before the next meeting and put up signs. Shane Sorensen said it took about two weeks to get signs.

Clark and Eugene Healey - Deer Problem. Clark Healey said he lived on 100 South and would like the Council to discuss what could be done about the deer problem. He said that every year the deer destroyed their grapes, their gardens, and their apple crop.

Kimberly Bryant said there had been a lot of input on the deer in Alpine from both sides of the issue.

Clark Healey asked if the City would allow them to use blanks in a shotgun and shoot it a couple of times to scare the deer away. It would be a way to control them legally.

Mel Clement said Highland City was working with the Division of Wildlife Resources (DWR) on a select hunt which looked like it would be in effect this season. Rich Nelson said Highland and Bountiful were on a two-year pilot project to see how the hunt worked.

Jannicke Brewer said she had a deer fence around her garden and roses which worked well.

Clark Healey said the problem with fences was that they were ugly and expensive. He said that as the deer became accustomed to people, they got worse. And then the cougars came. He said they had lived on their same property since forever and never had a problem with deer until the last ten years. It was noted that homes have been built on ground that was previously the deer's range.

Kimberly Bryant said Mayor Willoughby was watching how the select hunt worked in other cities.

Amy Thackery - 5K Benefit Run: Ms. Thacker said she was there on behalf of the Utley family who had a seven-year-old named Adler with stage 3 kidney cancer. The family had no insurance and she would like to do something. Since she liked to run and Alpine did a 5K, she would like to have a jar with a sign letting people know they could donate when they signed up for the race. In exchange for donating, they would get a free pair of socks which they could wear in Adler's honor when they ran. The family had a Foundation. She suggested that since they had a 5K every year, maybe they could do it every year for someone in Alpine.

The Council indicated it would be fine to have a jar in City Hall when people were signing up for events. However, the staff would not be responsible for it. Ms. Thackery said she would be there and be responsible. David Church recommended she talk to the race official. Will Jones said he would contact Mike Evans who was in charge of the 5K.

Lon Nield - Olde Moyle Mound. Mr. Nield said he thought he was on track to record the first phase of his 10-lot subdivision. The Council had granted final approval for 10 lots but he wanted to phase it and initially record only five lots. He wanted to know if he could do that or if he had to record all ten. Nothing had changed on the plat since final approval.

Shane Sorensen said that typically final approval was granted for each phase and then each phase was recorded. However all ten lots were given final approval. The mylar Lon Nield wanted to record showed five lots plus the open space and the road.

Jannicke Brewer said that when he came to the Planning Commission he talked about phasing the development.

Rich Nelson said that in other cities such an action was approved by staff. Shane Sorensen suggested that the City go ahead and record the first phase (Plat A), then have the Planning Commission and City Council ratify it.

David Church said recording it should be fine as long as the first phase could stand on its own. All the improvements and open space dedication would need to be included with the first phase.

Shane Sorensen said they would bring it back so there was a paper trail.

Brad Freeman - Water Trucks. Chief Freeman said Alpine had passed an ordinance stating that construction or excavation with heavy equipment had to have a water truck present. He said Lehi City was working up in the Schoolhouse Springs area to build road access to their streams. He had been concerned because of the potential for fire so they contacted Lehi City and had been working with them. They came up with a fire mitigation plan that was working well. The Lehi fire chief had approved the plan as well. He said Lehi would be working for another two and a half weeks. This item was for information only.

### III. CONSENT CALENDAR

- A. Approve the minutes of July 9, 2013**
- B. Bond Release #3 for Bennett Farms, Plat A - \$45,056.52**
- C. Bond Release #2 for Bennett Farms, Plat B - \$70,479.60**
- D. Award bid for overlays to Staker Paving - \$142, 536**

**MOTION:** Will moved to approve the consent calendar with a payment of \$142,536 to Staker Paving. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

### IV. REPORTS AND PRESENTATIONS: None

### V. ACTION AND DISCUSSION ITEMS

**A. Bennett Farms, Plat D - Final Approval - Roger Bennett:** Mr. Bennett said that Bennett Farms Plats A, B and C had been recorded. Plat D consisted of five lots. He requested that he not be required to put in a temporary turnaround at the north end of Country Manor Lane. Instead it would be stub street. He said the Planning Commission had recommended that a temporary turnaround not be required.

Shane Sorensen said the DRC had recommended that the north end of Country Manor Lane be a stub street instead of a temporary turnaround subject to the condition that the City would not plow it. He said the City had similar stub streets that were not plowed. No lots would front on the stub street in this phase.

Will Jones said he had a conflict of interest and would not vote.

**MOTION:** Bradley Reneer moved to approve Bennett Farms plat D with the following conditions:

1. A temporary turnaround at the north end of Country Manor Lane would not be required with the understanding that the stub street would not be plowed by the City.

2. The developer work with City staff to obtain the necessary SWPPP permits and approvals for this plat.
3. The water policy be met with Alpine Irrigation Company shares.
4. A bond be provided for the required improvements.
5. Errors on the final plat be corrected.
6. The debris flow hazard study be tied to the title of the properties in the same manner as previous plats to make potential lot buyers aware of the potential risks of building in the area.

Mel Clement seconded. Ayes: 3 Nays: 0. Motion passed. Bradley Reneer, Mel Clement and Kimberly Bryant voted aye. Will Jones abstained.

Roger Bennett said his subdivision was paying a lot for park impact fees. He asked if the City could spend some money on Legacy Park and put in some play equipment that appealed to kids who were 13 years old and younger. He said his five-year-old nephew didn't like Legacy Park because they just had little kid stuff.

Shane Sorensen said the impact fees had to be used on new parks but there were other ways to handle Legacy Park. He noted that it would be difficult to fit additional equipment inside the curbed area because there had to be a fall zone of a certain distance.

Roger Bennett said he was running for City Council and wondered if it would be better to seek final approval for the rest of Bennett Farms prior to the election.

David Church said that if he was ready to record, go ahead and record it. If he was asking for something special, don't.

**B. T-Mobile Cellular Tower Modification Site Plan:** Jannicke Brewer said T-Mobile came to the Planning Commission for modification of the existing tower on Shepherds Hill. The new equipment would be the same height but be a little wider. She said the staff would recommend what type of landscaping should be done.

David Church reminded the Council that the cell phone carriers would be making changes to their towers because of the change in the law. Cities were not to tell them no.

**MOTION:** Mel Clement moved to approve the T-Mobile cell tower modification plan for the tower located at 694 Rocky Mountain Drive with the following conditions:

1. A building permit be obtained prior to installation of the new equipment.
2. Request that the site be landscaped as recommended by City staff.
3. The color of the new equipment would be recommended by staff.

Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

Shane Sorensen said this was the third cell tower upgrade this year. The landscaping for the first tower was left up to the City and they got in trouble with the residents about it. He said he would rather have a specific plan on record that was agreed on by the cell tower company. He added that the only tower the City had been involved with on color was the tower in Lambert Park. They hadn't heard any complaints about it.

Mel Clement said he'd talked to some people that wanted the tower to be blue and others wanted it gray. Will Jones said landscaping and color were two tough issues. The City couldn't require it.

Shane Sorensen said he would decide on the landscaping and design if the City would stick up for him when residents complained. He suggested that they first ask the cell tower company what landscaping they would be willing to do since it couldn't be required.

Rich Nelson said the lattice on the Digis tower should be covered by August. Although some residents were saying they now wanted it left open because it was less visible. Others wanted it covered for safety reasons.

**C. Eagle Pointe Subdivision PRD Determination:** Shane Sorensen said the City had seen this subdivision before under several other names including Summit Hills and Vista Meadows. That Planning Commission recommended that it be a PRD, but the City Council had sole discretion in deciding whether or not a subdivision should be a PRD. The developer would need to know how to design it before going to a public hearing.

**MOTION:** Mel Clement moved that the Eagle Point Subdivision be a PRD. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

**D. Ordinance No. 2013-12, Amending Article 4.5 of the Development Code Regarding Minor Subdivisions.** Rich Nelson said the Council had seen this before. The original proposal was that the DRC approve minor subdivisions but the Council voted to have the Planning Commission and City Council continue to review and approve them. The Council approved some other changes in the ordinance relative to notification and submitting plans, and they wanted to see a clean copy before approving the ordinance.

**MOTION:** Will Jones moved to adopt Ordinance No. 2013-12 amending Article 4.5 of the Development Code relative to Minor Subdivision. Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

**E. Ordinance No. 2013-11, Amending Article 2013-11 Regarding Site Plans:** Rich Nelson said the Council had previously reviewed the proposed amendment that would allow the DRC to approve site plans, but the Planning Commission said they wanted to continue to review the site plans. The Council agreed with the Planning Commission and asked to see a clean copy of the ordinance before they approved it.

**MOTION:** Will Jones moved to approve Ordinance No. 2013-11 amending Article 4.14 of the Development Code relative to Site Plans. Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed unanimously.

Bradley Reneer said there was a discussion about the Planning Commission meeting more often. Rich Nelson said they would be meeting twice a month when they began work on the General Plan.

**F. Approve Poll Workers for the 2013 Municipal Election.** Will Jones asked what criteria there was in selecting poll workers. Charmayne Warnock said they had to be registered voters, they could not be related to or an employee of any of the candidates, and could not be a convicted felon. The poll workers were:

Doug Braithwaite	Andrea Chapman	Teresa Cospers	Marla Fox
Dan Garrison	Diane Hunsaker	Linda Higgins	Lynn Higgins
Alane Kester	Caroldean Neves	John Pool	Janet Rogers
Wayne Walker	Janis Williams		

Rich Nelson said the Council approved the workers in the event there was a charge of voter fraud, then the City could say the poll workers had been approved.

**MOTION:** Will Jones moved to approve the poll workers for the 2013 Municipal Election. Mel Clement seconded. Ayes: 4 Nays: 0. Motion passed.

**G. Fire District Consolidation Report - Brad Freeman, Lone Peak Fire Department:** Brad Freeman said that at one time the fire chief from American Fork and city manager of Highland (John Park) thought it would be a good thing if the American Fork Fire Department and Lone Peak Fire Department joined forces. When they approached Brad Freeman about it, he told them they should include the north end of Utah County including Pleasant Grove, Lehi, Saratoga Springs and Eagle Mountain. But Lehi dropped out because they had so much tax base and growth they could staff their own stations as needed. When Lehi dropped out, Eagle Mountain dropped out too and went to the Unified Fire Authority in Salt Lake. Saratoga Springs said they had a hard time covering their large land area and wanted to be part of the Unified Fire District, but dropped out anyway. It came down to the Lone Peak Fire District, American Fork and Pleasant Grove. The County would also pay a bit for the unincorporated area. They contracted with Matrix Consulting Group to do a feasibility study. He said the draft that came back was quite inaccurate. They went through it and made some changes and the second draft was better, but Brad Freeman said he was still not impressed with it. They could have done as much themselves.

Brad Freeman said Cedar Hills had contemplated going with Pleasant Grove or American Fork, which would force the Lone Peak PSD to reduce their staff by one-third. Alpine and Highland would have to make up the difference. But Cedar Hills decided to stay with Lone Peak. Since then, the fire department had been pushing forward and looking at a fire district with just Alpine, Highland and Cedar Hills. Chief Freeman said it would make more sense than the interlocal agreement that they currently had. If they became a District, it would become a taxing entity and it would lower the amount the cities paid to the District. The make-up of the Board would stay the same. Everyone including people in Alpine Cove and the County would be taxed for fire service. The City would pass a resolution and put the issue on the ballot. The people would vote on it.

Will Jones asked if it would money neutral for the residents. Rich Nelson said it was still in the discussion stage. It needed to be fleshed out and reviewed.

Brad Freeman said they had originally wanted to have it on the ballot for the November election but they wouldn't have enough time to get the information out to the people.

## **VI. STAFF REPORTS**

Rich Nelson said he was aware of the problem at Sliding Rock. He would talk to Chief Brian Gwilliam about it.

Charmayne Warnock reported that Early Voting would be available at City Hall beginning July 30th from 1 pm to 5 pm. August 13th was Election Day and all precincts would be voting at City Hall in the vacated police station instead of at the schools. Regarding construction in Alpine, she said the Building Department had issued permits for 13 new homes since January. There were three more permits for new homes that had been ready to issue for some time but had not been paid for.

Shane Sorensen said that there was a big storm a week earlier. They had made some changes to the debris flow channel the week before the storm and everything went where it was supposed to go. He said the NRCS project was substantially complete. They were approved for up to \$400,000 on the project and they had spent about \$360,000. There was still some seeding to be done but they were in good shape. The basins had worked well. With the money they had left they could have a series of three basins. He said the first storm had scoured the hillside of debris and now they were mostly seeing muddy water. They had a debris basin in Preston Canyon and one in Willow Canyon. There was nothing in Wadsworth Canyon.

Mel Clement said he supported a third debris basin. Rich Nelson said they needed a consensus. Kimberly Bryant and Bradley Reneer said they were in favor of it.

Brad Freeman said he didn't see a fire break at the end of Moyle Circle. Shane Sorensen said they had taken out some trees and put in a box culvert. There was about 25 feet of clearing.

Shane Sorensen reported on the road maintenance that had been done.

Jannicke Brewer said that at the last Planning Commission they had approved a home occupation for James Lawrence for auto repair. It was only prohibited in the Business Commercial zone. The home occupation ordinance did not prohibit auto repair in the residential zone. Mr. Lawrence did his work in an attached garage and the Planning Commission felt it complied with the ordinance.

Will Jones asked if he had to be living in the home where he conducted business because James Lawrence was not living there. He owned the home but did not live there.

Jannicke Brewer said they did have to be living in the home and the Planning Commission was not aware that Mr. Lawrence was not living in the home. He had not told them that. They would look into it.

Will Jones said there were two other auto repair business in town that were being conducted in detached garages. Jannicke Brewer said that in order to qualify as a home occupation, it had to be in an attached garage.

Rich Nelson said they would investigate to see if a business owner had to live in the home to have a home occupation.

## **VII. COUNCIL COMMUNICATION**

### **Will Jones**

- Mr. Jones said he listened to the tape from the last meeting of July 9, 2013, from which he was absent. He said one thing that aggravated him were the comments about the work done in Moyle Park. There was a Moyle Park Committee approved by the Council which made a list of jobs and assignments. They got incredible support from the public works department and about 50 residents in the area. Then two weeks ago at the Council meeting, the Committee was blasted and the work they did was called a butcher job. He said other members of the Council had an opportunity to be on the Committee and chose not to, yet they decided they were an authority on the work. He said there was one individual who complained about the vegetation that was cut down, and that person did not even own property in Alpine. It was owned by another family member. He said the complaining family were originally invited to serve on the Committee and chose not to. He asked why the Committee got slammed when it was authorized by the Council. As Shane Sorensen commented earlier, "You gotta get my back." How easy was it going to be to get volunteers when they were not supported by the Council? He said the best part of the Moyle Park Cleanup event was that the new caretakers saw that the citizens cared.
- Regarding accessory apartments and fences, Will Jones said that if they were going enforce regulations on fences they should enforce the regulations on accessory apartments. The regulations on the books stated that a home with an accessory apartment had to be owner occupied. He said he didn't think they should allow duplexes in every home in town.
- Mr. Jones asked if the second Planning Commission meeting of the month would be only a work session. Jannicke Brewer said if things came in, they would handle them.

### **Bradley Reneer**

- Mr. Reneer said his cul-de-sac had flooded because the storm drain drained extremely slow. He asked what could be done. Shane Sorensen said it was just a sump. Staff had talked about it and would like to pipe the storm drain to the creek. It would involve crossing private property.

### **Mel Clement**

- Mr. Clement said he would like to discuss garbage at the next meeting. He'd been told that residents were getting a cranky reception at North Pointe. There were also some issues with the Dunn's Transfer Station.

Brad Freeman said that Joe McCray said he would be Alpine's representative from the Fire Department and would be at every meeting. He was the public information officer for the Fire Department

Shane Sorensen asked for clarification on what the Council expected staff to do up Fort Canyon. He said they didn't have a lot of barricades and they didn't want them thrown in the creek.

Will Jones showed on the map where they needed to put up some barricades. Shane Sorensen said they would also order signs.

## **VIII. EXECUTIVE SESSION: None held.**

**MOTION:** Will Jones moved to adjourn. Bradley Reneer seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 9:40 pm.